

ENTERED

June 03, 2016

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

SARIJINI LEVINE,

Plaintiff,

VS.

DR. J. TAYLOR, *et al.*,

Defendants.

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CIVIL ACTION NO. 3:12-CV-186

ORDER REQUESTING A MARTINEZ REPORT

Plaintiff Sarijini Levine¹ (TDCJ #00749041) is a state inmate incarcerated in the Texas Department of Criminal Justice - Correctional Institutions Division (“TDCJ”). Levine originally sued eleven defendants, alleging that her cataract surgery and the related post-operative care were botched, causing her to go legally blind in one eye (Dkt. 1). Because several of the events giving rise to this lawsuit occurred at the Lane Murray Unit in Gatesville, the Court severed the claims stemming from those events and transferred them to the Waco Division of the Western District of Texas, which dismissed those claims for want of prosecution (Dkt. 6; Western District of Texas Case Number 6:12-CV-185 at Dkt. 24).

The remaining claims are against three medical providers: Dr. Ghassan Ghorayeh, who performed the cataract surgery at University of Texas Medical Branch (“UTMB”); Dr. Joe Taylor, who rendered post-operative care to Levine at Carol Young Medical

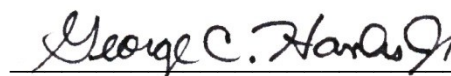
¹ Apparently, Levine spells her first name differently than does TDCJ, which spells it “Sarijinni.” The Court is using the spelling provided in Levine’s pleadings.

Facility; and Robert Knott, P.A., who also rendered post-operative care to Levine at Carol Young Medical Facility (Dkt. 1-6). Levine alleges that all three providers ignored her repeated complaints of severe pain and obvious signs of infection (Dkt. 1-6 at pp. 6–8).

Given the nature of Levine’s allegations, the Court will need to examine pertinent medical records that are presumably in the possession of UTMB, Carol Young Medical Facility, and/or TDCJ. Accordingly, to supplement the pleadings and enable the Court to evaluate Levine’s claims against the three remaining providers concerning the alleged denial of adequate medical treatment, the Court **ORDERS** the State Attorney General’s Office to provide a report to the Court for its review within **sixty (60) days** under *Martinez v. Aaron*, 570 F.2d 317 (10th Cir. 1987). *See Cay v. Estelle*, 789 F.2d 318, 323 & n.4 (5th Cir. 1986) (discussing the utility of a *Martinez* report).

The Clerk will provide a copy of this order to the parties. The Clerk shall further provide a copy of this order, along with copies of Levine’s complaint and its attachments (Dkt. 1), to Jacqueline Lee Haney, Assistant Attorney General for the State of Texas, Law Enforcement Defense Division, 300 W. 15th Street, Austin, Texas 78701, by Fax at 512-936-2109 or electronically.

SIGNED at Galveston, Texas, this 3rd day of June, 2016.

A handwritten signature in cursive script, reading "George C. Hanks Jr.", written in black ink over a horizontal line.

George C. Hanks Jr.
United States District Judge